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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Cao et al.	Confirmation No.:	5365
Serial No.:	10/543,033 (National Stage Application of PCT/US2004/01643)	Art Unit:	To be assigned
International Filing Date:	January 21, 2004	Examiner:	To be assigned
For:	METHODS FOR IDENTIFYING COMPOUNDS THAT MODULATE UNTRANSLATED REGION- DEPENDENT GENE EXPRESSION AND METHODS OF USING SAME	Attorney Docket No:	10589-012-999

**RESPONSE TO NOTIFICATION OF MISSING  
REQUIREMENTS MISSING UNDER 35 U.S.C. 371 IN THE  
UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) ("Notification") dated August 23, 2006 in connection with the above-identified application, Applicants submit herewith the following documents: (1) a Declaration for Non-Provisional Patent Application executed by Liangxian Cao and Panayiota Trifillis on October 2, 2006; (2) a Substitute Sequence Listing in computer readable form and paper copy; (3) a Transmittal of Substitute Sequence Listing; and (4) a return copy of the Notification. Applicants also submit herewith: (1) a Second Preliminary Amendment Under 37 C.F.R. § 1.115; and (2) a Power of Attorney by Assignee and Exclusion of Inventor(s) Under 37 C.F.R. § 3.71 With Statement Under 37 C.F.R. § 3.73(b).

It is estimated that no fee is required. However, if any fee is required, authorization is hereby given to charge the amount of any such required fee to Jones Day Deposit Account No. 50-3013. A copy of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date: October 23, 2006

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## UNITED STATES PATENT AND TRADEMARK OFFICE

10589-012-999

UNITED STATES DEPARTMENT OF COMMERCE  
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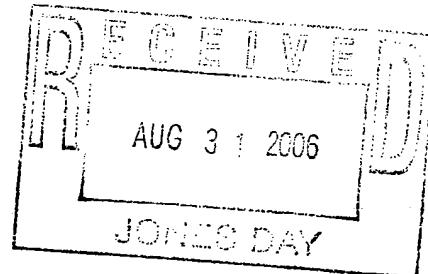
U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/543,033	Liangxian Cao	10589-012-999
INTERNATIONAL APPLICATION NO.		
PCT/US04/01643		
I.A. FILING DATE	PRIORITY DATE	
01/21/2004	01/21/2003	
CONFIRMATION NO. 5365		
371 FORMALITIES LETTER		
 *OC000000020138588*		

Date Mailed: 08/23/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 07/21/2005
- Biochemical Sequence Diskette filed on 07/21/2005
- Oath or Declaration filed on 07/21/2005
- Biochemical Sequence Listing filed on 07/21/2005
- Request for Immediate Examination filed on 07/21/2005
- U.S. Basic National Fees filed on 07/21/2005
- Priority Documents filed on 07/21/2005
- Specification filed on 07/21/2005
- Claims filed on 07/21/2005
- Drawings filed on 07/21/2005
- Paper nucleotide sequence listings filed on 07/21/2005



The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content

of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

Additionally the following defects have been observed:

- The International Search Report has not be supplied, the Search Fee has been adjusted to reflect this omission.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

JOHN L ANDERSON

Telephone: (703) 308-9140 EXT 211

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/543,033	PCT/US04/01643	10589-012-999

FORM PCT/DO/EO/905 (371 Formalities Notice)